

“Bidding Up” on the Question of Sovereignty: Derrida Between Kant and Benjamin

Kir Kuiken, University at Albany, kkuiken@albany.edu

My presentation interrogates the logic that Derrida identifies in the Death Penalty seminars and elsewhere as a logic of “surenchere” or “upping the ante” that characterizes the development of the death penalty out of its relation to the unconditional ground of sovereignty. I focus on two key figures of the exception in Derrida’s discussion of Benjamin and Kant: the “great criminal” and the infanticidal mother, who acts as an exception to Kant’s notion of the categorical imperative grounded in the priceless dignity of Man over and above death. Tracing how a logic of exceptionality pervades not only philosophies of the death penalty, but any discourse that attempts to level a genuine philosophical critique of it, I argue that the logic of the exception that underpins the death penalty cannot be confronted directly. Instead, it must be interrogated precisely through the question of how the logic of the exception comes to be presented, or given, in a particular figure. What relationship does the figure of exceptionality have to the *logic* of the exception, and what need does this sovereign have for the specular or spectacle, including and especially the spectacle of the death penalty itself? Focusing on the motif of “fascination” with figures of the exception, my paper interrogates the role of figuration and its relation to the unconditional in the structure of the death penalty.